

WILLIAM HOFFNER.

JANUARY 8, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BAKER, of Kansas, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 9413.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9413), granting an increase of pension to William Hoffner, having carefully considered the facts presented, respectfully report as follows:

William Hoffner enlisted August 29, 1861, as private, Company B, Fifty-fifth Pennsylvania Infantry Volunteers, and was honorably discharged August 30, 1865, after an honorable service of four years and two days.

He filed a claim for pension March 17, 1879, and was pensioned for disease of eyes, the result of an injury, at \$4 from August 31, 1865, and \$24 from May 13, 1885. His pension was increased to \$50 per month, from February 23, 1888, and in June, 1889, a reissue was made to allow him \$72 per month from February 23, 1888, for "disease of eyes, result of an injury, and resulting total blindness."

This action, admitting total blindness as the result of "disease of eyes, result of an injury," was based on a medical opinion written by Dr. Geo. L. Fox, an eye specialist, and concurred in by Dr. J. A. Lydston, an eye specialist, and Dr. T. Mead, medical reviewers, and approved personally by Dr. John Campbell, medical referee of the Pension Bureau, and the opinion was also concurred in by Dr. Freice, acting medical examiner, C. M. F., a medical reviewer, and Dr. J. E. Carpenter, acting medical referee.

On May 4, 1894, this soldier's pension was reduced to \$2 per month, dropping resulting total blindness, same being due to congenital disease and not due to the injury; but the pension of \$2 per month to be continued for "disease of eyes" of service origin.

The ground of reducing pension was the evidence adduced by a special examiner, that the soldier had impaired vision, or was "near-sighted," prior to enlistment. There is not a syllable of testimony that soldier ever had any injury to his eyes, or ever had any disease of eyes, before his enlistment, or any other evidence except that he was "near-sighted;" neither is there any testimony in the case to show any other cause for total blindness, except the injury proved to have been incurred in service and accepted by the Pension Bureau. The approval for deduction is signed by Dr. Geo. L. Fox, acting medical examiner, and approved by Dr. J. T. Raub, medical reviewer, and Dr. Thomas Featherstonhaugh, medical referee.

In this case the allowance for total blindness as a result of the injury

of eyes was approved by seven medical officers of the Pension Bureau, clearly showing that great care was taken to prevent mistakes in the allowance.

The action of reduction was approved by only three medical officers of the Pension Bureau, one of whom, Dr. Fox, is the one who wrote and signed the opinion on which total blindness was originally allowed. This reduction was based on the theory that congenital nearsightedness progressed into blindness, without any facts to support that theory; while on the other hand, the opinion of the seven medical officers was based on the fact—proven and accepted—that the injury could and did produce the blindness.

The committee prefer to accept the opinion of seven medical men based on fact rather than the theoretical opinions of three whose desire seems to have been with them equal to the controversion of fact by a theory; and therefore recommend the passage of the bill with the following amendments:

Insert the words "authorized and" in line 4, immediately before the word "directed."

Strike out the words "of Junction City, Kansas," in lines 4 and 5.

Strike out the word "member" in line 5, and insert the word "private" in lieu thereof.

Add after the word "month," in line 8, the words "in lieu of the pension which he is now receiving."

Also amend title so as to read "Granting an increase of pension to William Hoffner."